

**To:** Tinka Hyde[Hyde.Tinka@epa.gov]  
**From:** Holst, Linda  
**Sent:** Fri 2/20/2015 4:42:44 PM  
**Subject:** FW: Minnesota Wild Rice Sulfate Standard - Legal Challenges to Rulemaking, Enforcement, Designation of Impaired Waters

Do you want me to call Paula?

**From:** Paula Maccabee [mailto:pmaccabee@justchangelaw.com]  
**Sent:** Friday, February 20, 2015 9:44 AM  
**To:** Holst, Linda  
**Subject:** Re: Minnesota Wild Rice Sulfate Standard - Legal Challenges to Rulemaking, Enforcement, Designation of Impaired Waters

The first hearing on a bill preventing enforcement of the wild rice standard and preventing listing of impaired waters is this Tuesday morning. I'd appreciate a chance to talk with you before the hearing.

**From:** <Holst>, Linda <holst.linda@epa.gov>  
**Date:** Friday, February 20, 2015 9:38 AM  
**To:** Paula Maccabee <pmaccabee@justchangelaw.com>  
**Subject:** RE: Minnesota Wild Rice Sulfate Standard - Legal Challenges to Rulemaking, Enforcement, Designation of Impaired Waters

Paula – Thanks for sharing all of the files. I circulated to a few more folks here.

Linda

**From:** Paula Maccabee [mailto:pmaccabee@justchangelaw.com]  
**Sent:** Thursday, February 19, 2015 9:58 AM  
**To:** Holst, Linda  
**Cc:** Hyde, Tinka; Wagener, Christine; Proto, Paul; Pierard, Kevin; McKim, Krista  
**Subject:** Minnesota Wild Rice Sulfate Standard - Legal Challenges to Rulemaking, Enforcement, Designation of Impaired Waters

Hi, Linda:

It was good to talk with you briefly yesterday. WaterLegacy and many other stakeholders are concerned about legislation that has been proposed at the Minnesota Legislature this year to undermine water quality rulemaking and enforcement of water quality standards, particularly the wild rice sulfate standard.

Since WaterLegacy has been closely involved with defense of the wild rice sulfate standard and its application for several years, our files may be more complete or easily retrievable than EPA's with respect to wild rice sulfate standard issues. Attached with this email, please find the following documents:

2010-01-27\_USEPACommentKeetacEIS-Excerpt (discusses application of wild rice sulfate standard to waters used for the production of wild rice)

2010-02-18\_USEPA Review of NorthMetDEIS-Excerpt (discusses application of wild rice sulfate standard to waters used for the production of wild rice)

2011-05-13\_U.S.EPALtrWildRiceBill (EPA advises Minnesota legislators regarding application of Clean Water Act to proposed legislation and enforcement questions)

2011-07-20\_WildRiceSessionLaw (FINAL) (final version of wild rice study and rulemaking session law adopted in 2011)

2012-05-10\_WildRiceDistrictCourtSummaryJudgmentAgainstChamber (district court summary judgment against Chamber in suit to block enforcement of wild rice sulfate standard)

2012-05-10\_WildRiceDistrictCourtSummaryJudgmentAgainstChamber (court of appeals dismissal of Chamber claims against MPCA related to wild rice standard enforcement)

2014-05-28-WL.ltr&ex\_EPA\_ImpairedWaters (WaterLegacy letter and exhibits regarding continuing Minnesota failure to list wild rice impaired waters).

2015-01-22\_HF616.SF689 (bill suspending eutrophication rules, requiring legislative approval of water quality standard rules)

2015-01-22\_HF617.SF690 (bill requiring independent peer review of water quality rules ore regulatory guidance)

2015-02-06\_SF0868 (bill preventing listing of wild rice impaired waters or application of wild rice sulfate standard pending certain rulemaking)

2015-02-11\_Counterpoint\_The science is clear\_ Protect our wild rice \_ Star Tribune (WaterLegacy commentary)

WaterLegacy has commented in various permit matters regarding specific Minnesota dischargers that have been allowed to violate water quality standards with impunity for decades, intervened in litigation to

protect the wild rice sulfate standard and participated actively in Minnesota's Wild Rice Sulfate Standard Study Advisory Committee. WaterLegacy is concerned about Minnesota's failure to enforce the wild rice sulfate standard in the face of pressure from polluting industries, Minnesota's failure to list waters impaired for wild rice due to sulfate pollution, and this year, another round of proposed legislation to interfere with water quality standards rulemaking, enforcement and compliance with the Clean Water Act.

Please let me know if there is any other background or factual information that you might request in reviewing our concerns.

Best regards,

Paula

Paula Maccabee, Esq.

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Advocacy Director/Counsel for WaterLegacy

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